

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0238
07-CR-16-1149

State of Minnesota,

Plaintiff,

vs.

TABITHA MISTY LANARS DOB: 07/13/1985

111 1/2 James Ave
Mankato, MN 56001

Defendant.

COMPLAINT

Summons

Tab Charge/Citation Previously Filed

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.25.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/26/2016

Control #(ICR#): 16008573

Charge Description: Said Defendant, Tabitha Misty Lanars, did drive or operate and was in physical control of any motor vehicle when he/she was under the influence of alcohol, and two or more aggravating factor were present when the violation was committed.

COUNT II

Charge: Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours

Minnesota Statute: 169A.20.1(5), with reference to: 169A.25.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/26/2016

Control #(ICR#): 16008573

Charge Description: Said Defendant, Tabitha Misty Lanars, did drive, operate or was in physical control of any motor vehicle when his/her alcohol concentration at the time, or as measured within two hours of the time of driving, operating or being in physical control of the motor vehicle was .08 or more, and two or more aggravating factors were present when the violation was committed.

COUNT III

Charge: Traffic-Drivers License-Driving After Revocation

Minnesota Statute: 171.24.2

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 03/26/2016

Control #(ICR#): 16008573

Charge Description: Said Defendant, Tabitha Misty Lanars, did after being give notice, or reasonably should have known of the revocation, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was revoked.

STATEMENT OF PROBABLE CAUSE

Complainant is an Officer with the Mankato Police Department who believes the information set out below is true and accurate based on reports and information submitted to the Officer by Officer William Hullopeter and others identified herein.

On March 26, 2016, at approximately 1:11 a.m., Officer Hullopeter was on routine patrol in a marked squad car at the intersection of Cherry Street and Front Street, in the City of Mankato, Blue Earth County, Minnesota. Officer Hullopeter witnessed a female driver in a black Mazda bearing whiskey Minnesota license plates turn southbound on Front Street. The officer ran the license plates and determined that the registered owner was Tabitha Misty Lanars. The Officer also noticed that Tabitha had a revoked driver's license. Officer Hullopeter activated his squad car emergency lights and initiated a traffic stop at 906 South Front Street. Upon approaching the driver's window, Officer Hullopeter asked the driver for her driver's license and proof of insurance. The Officer then identified the driver as Tabitha Misty Lanars, the defendant herein, via Minnesota driver's license. However, the driver was unable to provide proof of insurance. The officer then asked where the Defendant was coming from, and the Defendant responded that she was driving from her home. However, it should be noted that the Defendant was traveling toward her home instead of away from it. The officer noted a strong odor of alcoholic beverage emitting from the Defendant's mouth. The Defendant claimed her friends merely spilled alcohol in her car. However, the Officer noticed the Defendant's eyes were blood shot and watery. The Defendant was also slurring her words. The Defendant was asked to step out of the vehicle and attempt standardized field sobriety tests.

Officer Hullopeter administered the horizontal gaze nystagmus test, the walk-and-turn test, and the one-legged stand test. Based on the observations and poor performance of field sobriety tests by the Defendant, Officer Hullopeter asked the Defendant to submit to a preliminary breath test, to which the Defendant complied. A PBT indicated the Defendant blew a .186 alcohol concentration. The Defendant was placed in the back of Officer Hullopeter's squad car. The Defendant was read the Implied Consent Advisory, the Defendant stated she did not wish to consult with an attorney, and consented to a breath test.

Officer Hullopeter transferred the Defendant to the Blue Earth County Jail where the Defendant completed a breath test on a DMT with the result of .17. Defendant was arrested for second-degree DWI and Driver After Revocation.

The Defendant has one previous DWI conviction within the last 10 years, specifically, within the last three months (07-CR-15-3357). The Defendant also has two prior Driving After Revocation convictions within the last three months (07-VB-15-7157 and 07-VB-16-186).

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Jeremy Clifton
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3149

Electronically Signed:
03/29/2016 02:22 PM
Blue Earth County, MN

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Nicholas Boulieris
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
03/28/2016 03:42 PM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at 401 Carver Rd, Mankato, MN 56002-0347 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only

Execute Nationwide

Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: March 29, 2016.

Judicial Officer

Darci J. Bentz

Electronically Signed: 03/29/2016 02:57 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF BLUE EARTH
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

TABITHA MISTY LANARS

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent: